

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KORDEV LLC and MICHAEL BRYANT,

Plaintiffs,

v.

No. 2:21-cv-01341-NR

EAGLE HEMP, LLC; TRIM LIFE LABS  
LLC; and WELL BEING LABS, LLC,

Defendants.

**NOTICE OF APPEAL**

Plaintiff Michael Bryant hereby appeals to the United States Court of Appeals for the Third Circuit from the Order dismissing Mr. Bryant's claims set forth in Counts II and III of the Amended Complaint entered on August 9, 2022. (Doc. 25.)

Mr. Bryant notes that while the Court's August 9, 2022 Order did not dismiss all claims against all parties, it did dismiss all of the claims asserted by Mr. Bryant. The Court later dismissed without prejudice the remaining claims in the case (those brought by Plaintiff KorDev LLC) in a subsequent Order entered on November 7, 2022. (Doc. 40.) At that point, therefore, all claims had been dismissed as to all parties.

On December 2, 2022, however, the Court reopened the case and reinstated KorDev's Second Amended Complaint as the operative pleading. (Doc. 43.) Plaintiffs submit that this resulted in there no longer being a final order and the termination of the 30-day period within which Mr. Bryant had to notice any appeal. Due to the jurisdictional nature of the deadline to notice an appeal and the risk of waiver, Mr. Bryant nonetheless files this Notice of Appeal out of an abundance of caution in the event the Third Circuit takes a different view.

DATE: December 6, 2022

Respectfully submitted,

/s/ Tillman J. Finley

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 6<sup>th</sup> day of December, 2022, the foregoing was filed with the Clerk of Court for the United States District Court for the Western District of Pennsylvania using the Court's CM/ECF system, which will send notification of such filing to all registered counsel of record.

/s/ Tillman J. Finley  
Tillman J. Finley